

House bill No. 13, A bill to be entitled "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that Senate bill No. 13, by Morrow, as amended by committee, be substituted therefor, and be not printed.

CONNER, Chairman.

PETITION.

By Senators Townsend and McNealus:
Relating to the purchase of portrait of the late John H. Reagan.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, August 13, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

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| Astin. | Lattimore. |
| Bailey of De Witt. | McGregor. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Real. |
| Collins. | Taylor. |
| Conner. | Terrell. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Gibson. | Watson. |
| Greer. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |
| Johnson. | |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Carter.

(See Appendix for petitions and memorials and standing committee reports.)

ASSIGNED ON STANDING COMMITTEES.

The Chair announced Senator Bailey of DeWitt as member of the following standing committees: Finance, Public Lands and Land Office, State Penitentiaries, Rules, Stock and Stock Raising, Insurance, Statistics and History, Mining and Irrigation, Agricultural Affairs.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House does not concur in Senate amendments to House bill No. 4 and requests the appointment of a Free Conference Committee. The following committee on the part of the House has been appointed: Messrs. Kennedy, Dove, Mills, Kirby, Hunter.

Also the House has passed the following bill:

House bill No. 33, A bill to be entitled "An Act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court, and declaring an emergency."

Also has passed the following resolution:

House Concurrent Resolution No. 9, Requesting our Senators and Representatives in Congress to support bill for the creation of the Mescalero National Park out of a portion of the Mescalero Indian Reservation.

Also the House does not concur in Senate amendments to House bills Nos. 2 and 14, and requests the appointment of a Free Conference Committee. The following on the part of the House have been appointed: Messrs. Wortham, Goodner, Hill, Kirby, and Woods of Navarro.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been

read, the following House bill and resolution:

House bill No. 33, referred to Committee on Judicial Districts.

House Concurrent Resolution No. 9, referred to Committee on Federal Relations.

SIMPLE RESOLUTION.

By Senator Clark:

Whereas, The Governor by written message to this body has advised that he did not intend to appoint Messrs. Tittle and Brahan to the constitutional offices of Prison Commissioners, but his appointments were made on January 17 last and before the constitutional amendment went into effect and were for the statutory offices only, which expired beginning January 20 last, which contention on the part of the Governor we believe to be correct; and

Whereas, Messrs. Tittle and Brahan did not qualify within ten days after their appointment, by executing bond and taking oath of office, as is required by law, and now for the first time have tendered to the Secretary of State their bonds, more than six months after their appointments; and

Whereas, The Governor has signified his willingness to again place said parties' names before the Senate to be voted upon for the constitutional offices to determine whether or not the Senate shall confirm them; therefore, be it

Resolved by the Senate, That it request the Governor to submit such names to the Senate as he may desire at once, to the end that it may pass upon the confirmation or non-confirmation of such parties for said positions.

The resolution was read and Senator Clark moved that same be adopted.

Senator Watson moved, as a substitute, that the resolution be referred to the Committee on State Penitentiaries.

Senator Clark moved to table the substitute motion, which motion to table was adopted by the following vote:

Yeas—16.

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|------------|------------|
| Brelsford. | Johnson. |
| Carter. | Lattimore. |
| Clark. | Morrow. |
| Collins. | Taylor. |
| Conner. | Townsend. |
| Darwin. | Warren. |
| Greer. | Westbrook. |
| Harley. | Wiley. |

Nays—12.

| | |
|--------------------|-----------|
| Astin. | McGregor. |
| Bailey of De Witt. | McNealus. |
| Bailey of Harris. | Nugent. |
| Cowell. | Real. |
| Gibson. | Watson. |
| Hudspeth. | Willacy. |

Absent.

Terrell.

Action recurred on the motion to adopt the resolution, and Senator Lattimore offered the following amendment:

Amend resolution by inserting in the last paragraph thereof after the word "Senate" the following: "That it is the sense of the Senate that the appointees named by the Governor in his message of August 12, 1913, were recess appointees and."

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 10, Granting leave of absence to Judge W. B. Hopkins, judge of the Twenty-eighth Judicial District, during the months of August and September, 1913.

Also, House Concurrent Resolution No. 11, Relating to the Texas Pan-American Exposition Commission.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE RESOLUTIONS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House resolutions:

House Concurrent Resolution No. 10, referred to Committee on State Affairs.

House Concurrent Resolution No. 11, referred to Committee on Agricultural Affairs.

HOUSE BILL NO. 4—FREE CONFERENCE COMMITTEES ON.

Senator Johnson offered the following motion:

I move that the following be ap-

pointed as a Free Conference Committee on House bill No. 4: Senators Taylor, Brelsford, Collins, Warren and Hudspeth.

The motion was read and adopted.

HOUSE BILLS NOS. 2 AND 14—FREE CONFERENCE COMMITTEE ON.

Senator Willacy made the following motion:

Mr. President, I move that the request of the House that a Free Conference Committee be appointed upon the part of the Senate to adjust the differences between said Senate and House on House bills Nos. 2 and 14 be granted, and that the following committees are hereby appointed:

On House bill No. 2—Senators Lattimore, Hudspeth, Wiley, Bailey of Harris and Collins.

On House bill No. 14—Senators Cowell, Real, Astin, Nugent and Harley.

The motion was read, and Senator Brelsford moved that Senator Willacy be made ex-officio member of the Free Conference Committees on all the appropriation bills, which motion prevailed.

The motion was then adopted, as amended.

SIMPLE RESOLUTION.

(Pending Business.)

Action recurred on the pending business, the simple resolution by Senator Clark, the question being on the amendment by Senator Lattimore, which was read and adopted.

The resolution was then adopted, as amended.

On motion of Senator Lattimore, the Secretary was instructed to furnish a copy of the resolution to the Governor.

HOUSE BILL NO. 27—MADE SPECIAL ORDER.

Senator Taylor asked unanimous consent to make House bill No. 27 a special order for tomorrow morning, and there was no objection.

HOUSE BILL NO. 24.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 24, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, to-wit: State Orphan Home, Confederate Home, Confederate Woman's Home, Blind Institute, Deaf and Dumb Institute, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanitarium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, and North Texas Hospital for the Insane."

The committee report, with committee amendments and providing that the bill be not "printed" but printed in the Journal, was adopted.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill, page 261, of Senate Journal by adding after the line "clearing land," the following: "For building a rabbit proof fence around farm and garden, \$1000."

Senator Willacy offered the following amendments, separately, which were read and adopted:

Amend the bill by adding to the caption the following, "and declaring an emergency."

Amend by adding the following:

"Sec. 2. The fact that there is no money available for the purposes of this act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended, and this bill be placed upon its third reading and final passage and it is so enacted."

The bill was read second time and passed to third reading.

On motion of Senator Cowell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

| | |
|--------------------|------------|
| Astin. | Johnson. |
| Bailey of De Witt. | Lattimore. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Real. |
| Collins. | Taylor. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Gibson. | Watson. |
| Greer. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |

Absent.

Conner. Terrell.
McGregor.

The bill was read third time and passed by the following vote:

Yeas—26.

| | |
|--------------------|------------|
| Astin. | Hudspeth. |
| Bailey of De Witt. | Johnson. |
| Bailey of Harris. | Lattimore. |
| Brelsford. | McNealus. |
| Carter. | Morrow. |
| Clark. | Nugent. |
| Collins. | Real. |
| Conner. | Taylor. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Gibson. | Watson. |
| Greer. | Wiley. |
| Harley. | Willacy. |

Nays—1.

Westbrook.

Absent.

McGregor. Terrell.

Senator Cowell moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

REASON FOR VOTE.

I vote "nay" on House bill No. 24 for the reason that it carries considerable increased appropriations over previous years and there is appropriated a great deal more for the support of some of our institutions than I think necessary. Furthermore, I do not think sufficient thought was given nor discussion allowed on this bill, on the floor of the Senate.

WESTBROOK.

Morning call concluded.

SENATE BILL NO. 6.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 6, the penitentiary bill, the question being on the pending amendment by Senator Brelsford to the amendment by Senator Townsend. (See Journal of Friday for the amendment.)

The amendment to the amendment was adopted and the amendment as amended was adopted.

The bill having been read second time, was passed to engrossment by the following vote:

Yeas—21.

| | |
|------------|------------|
| Brelsford. | Johnson. |
| Carter. | Lattimore. |
| Clark. | Morrow. |
| Collins. | Nugent. |
| Conner. | Real. |
| Cowell. | Taylor. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Westbrook. |
| Harley. | Willacy. |
| Hudspeth. | |

Nays—5.

| | |
|-----------|---------|
| Astin. | Watson. |
| McNealus. | Wiley. |
| Terrell. | |

Present—Not Voting.

Bailey of DeWitt. Bailey of Harris.

Absent.

McGregor.

REASONS FOR VOTE.

On Senate bill No. 6, by Warren, I vote "yea" on engrossment for the following reason: While I am vigorously opposed to the feature of the bill which indirectly destroys the constitutional offices of Penitentiary Commissioners, which feature I opposed with all of my power, I feel that a revision of our laws governing our penitentiary system is imperatively necessary, and as the bill as a whole is so vast an improvement over our present law, and contains many good features, and as there is more good than bad in the measure, and as I am powerless to save the Commission provided by the Constitution, but want the good features of the bill as a whole, I vote "yea."

NUGENT.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

| | |
|--------------------|------------|
| Astin. | Lattimore. |
| Bailey of De Witt. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Real. |
| Collins. | Taylor. |
| Conner. | Terrell. |
| Cowell. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Harley. | Westbrook. |
| Hudspeth. | Wiley. |
| Johnson. | Willacy. |

Present—Not Voting.

Bailey of Harris.

Absent.

Darwin.

McGregor.

The bill was read third time and passed by the following vote:

Yeas—21.

| | |
|------------|------------|
| Brelsford. | Johnson. |
| Carter. | Lattimore. |
| Clark. | Morrow. |
| Collins. | Nugent. |
| Conner. | Real. |
| Cowell. | Taylor. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Westbrook. |
| Harley. | Willacy. |
| Hudspeth. | |

Nays—5.

| | |
|-----------|---------|
| Astin. | Watson. |
| McNealus. | Wiley. |
| Terrell. | |

Present—Not Voting.

Bailey of DeWitt. Bailey of Harris.

Absent.

McGregor.

Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

REASON FOR VOTE.

I vote "yea" for the reason that I regard it important that legislation seeking to better our penitentiary system be enacted and that the near approach of the end of the session makes it necessary that the bill reach a Free Conference Committee at the earliest possible moment, that an opportunity may be had to bring out a measure upon which we may ultimately agree.

COWELL.

I vote "yea" on final passage for the same reasons that prompted me to vote "yea" on engrossment, and as are now on file.

NUGENT.

RECESS.

On motion of Senator Hudspeth, the Senate, at 11:45 o'clock a. m., recessed until 4 o'clock today.

AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Carter.

EXECUTIVE MESSAGE.

Governor's Office,
Austin, Texas, August 12, 1913.

To the Texas Legislature:

In harmony with the Governor's proclamation convening the First Called Session of the Thirty-third Legislature, Article 3 of the State Constitution, I and in accordance with Section 40 of present the following additional subjects for legislation:

1. The passage of acts creating independent school districts, and the passage of acts amendatory of acts creating existing independent school districts.

2. The enactment of measures on the subject of special road laws for any county or counties of this State, and for the amendment of special road laws heretofore enacted for any county or counties in the State.

3. The enactment of measures regulating, changing or fixing the time and terms of holding district court in any county or counties constituting any existing judicial district or districts in this State.

4. The passage of an act to amend Article 4954, Title 71, Chapter 15 of the Revised Civil Statutes of the State of Texas, 1911, so that the term "special or board contract or similar provision" shall be construed to have a technical meaning and not a literal meaning.

5. The enactment of a law authorizing the State of Texas to guarantee the payment of the principal and interest of all bonds that may be issued and sold by virtue of Chapter 57, Acts of the Thirty-third Legislature, approved March 29, 1913, and which provides for the issuance of penitentiary bonds.

6. The passage of an act to amend Article 6002, Title 97, Chapter 1 of the Revised Civil Statutes of the State of Texas, 1911, relating to the appointment of notaries public, and amending said article so that it shall hereafter provide that notaries public may be appointed by the Governor, with the advice and consent of the Senate, during extra sessions of the Legislature.

7. The passage of an act to amend Article 911 of the Penal Code of the State of Texas, as amended by Chapter 135, Acts of the Regular Session of the Thirty-third Legislature, so as to strengthen the powers of the Game, Fish and Oyster Commission, and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, etc.

8. The passage of an act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's lien on real estate.

9. The passage of an act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, 1911, regulating the manner of railroad companies and receivers and trustees thereof furnishing to shippers upon written demand cars to be loaded with freight, and regulating demurrage thereon.

10. The passage of an act amending the present laws of this State so as to permit the levying of attachment and garnishment, and other similar process on property and debts within this State, owned by non-resident individuals, firms and unincorporated associations in all cases arising out of torts as well as out of contracts, and the issuance and levy of such writs in suits based upon unliquidated as well as liquidated demands.

11. The passage of an act to amend and re-enact Articles 5585 and 5588, Title 83, Chapter 3 of the Revised Civil Statutes of Texas, relating to seawalls and breakwaters.

12. The passage of an act to create and establish the county of Lott, taken from existing territory of Duval county, prescribing its area and boundaries, and providing for its organization and election of county officials.

13. The passage of an act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in De Witt county upon such terms and for such consideration as they may prescribe, or as may be prescribed by law, as provided in an act passed by the Regular Session of the Thirty-third Legislature, but which was passed without an enacting clause, as shown on page 69, General Laws, passed by the Regular Session of the Thirty-third Legislature.

14. The passage of acts providing for special district courts, regulating the time of holding same, in the Fifth and Twenty-eighth Judicial Districts of the State of Texas, the term of said courts to expire January 1, 1915.

15. The enactment of a law authorizing the Imperial Sugar Company, its successors and assigns, to bring suit against the State and against the Prison Commission of the State of Texas, for specific performance and for damages, if any should accrue, by reason of the breach of a certain contract which will be entered into in the event the litigation is adjusted between the Prison Commission and the Imperial Sugar Company, involved in cause No. 7151, on the docket of the district court of Fort Bend county, wherein the Imperial Sugar Company is plaintiff, and Ben E. Cabell et al. are defendants, in which the plaintiff is seeking to recover 5435 acres of land known as the Imperial farm, belonging to the State.

16. The passage of an act amending Article 7137 of the Revised Civil Statutes of 1911, prescribing the term of office of constables and regulating the number of their deputies.

17. The passage of an act to amend Sections 3, 4, 7, 10 and 12, of Chapter 173 of the Acts of the Regular Session of the Thirty-third Legislature, relating to prospecting and developing minerals on lands owned by the State of Texas, and by the public free school fund, and the University and Asylum funds, so as to amend the provision which limits the leasing of such lands for oil and gas development to 200 acres when said lease is within ten miles of a producing oil or gas well, by increasing the maximum number of acres that can be leased to any one person, firm or corporation to not exceed 1000 acres.

18. The passage of an act to prohibit the creation of deficiencies and debts in the name of the State regents, directors, officers or members by governing boards of educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or creating any debt inconsistent with existing laws; making invalid all such contracts and debts; prohibiting the diverting of funds, and providing penalties for violations of such an act.

19. The passage of an act in compliance with the recommendation of the Democratic State platform creating the position of public highway engineer, with jurisdiction and authority to co-operate with county officials in laying out and building better public roads, and providing for the levying and collection of

a just and equitable tax from automobile owners; providing that said tax when collected shall be paid into the State Treasury and credited to the "Good Roads Fund"; and providing further that upon the recommendation of the highway engineer and on the approval of the Governor, the money derived from the automobile tax may be used in the construction of substantial and first-class roads and public highways in those communities or counties which are willing, either by county taxes or public contributions, to supplement the allowance from said highway tax fund with double the amount appropriated from said fund.

20. The passage of an act providing for the abolition of drainage districts heretofore organized, or that may hereafter be organized under the general laws of the State of Texas, and providing for a method for the collection of claims or debts against such districts.

21. The passage of an act to redistrict the State into eight Supreme Judicial Districts so as to equalize the work of the eight Courts of Civil Appeals.

22. The passage of a bill to be entitled "An Act providing for the construction of necessary buildings for the University of Texas; for the raising of the necessary funds for such purpose by the creation of the University of Texas Building Fund out of the income of the permanent University endowment and other revenue producing funds and out of the other sources of revenue from properties of the University and the issuance and sale of certificates against said University of Texas Building Fund so created; and authorizing the expenditure of the proceeds of said certificates in payment for the construction of the buildings authorized and permitted under the act; creating the Board of Building Commissioners, whose duty it is to supervise the construction of the necessary buildings under the act and the expenditure of the funds provided therefor, and further defining the duties and authority of said Board of Building Commissioners and fixing their salary; prescribing certain duties for carrying into effect the provisions of this act of the Governor of the State, the Attorney General, the Superintendent of Public Instruction, the President of the University of Texas and the President of the Board of Regents of the University of Texas, and conferring certain authority upon the Board of Regents of the University of Texas; making an appropriation of funds derived from the sale of the certificates herein provided for

for the erection of the buildings and carrying out the provisions of this act, and declaring an emergency."

23. The passage of an act authorizing the Governor, under conditions to be prescribed, to sell to J. J. Kane of the city of Galveston, his heirs and assigns, or to any other person, his heirs or assigns, any right, title or claim the State of Texas has in and to certain submerged plats or land under water on the shores of Galveston bay in Galveston county, for the purpose of the construction of a dry dock or marine railways.

24. The passage of an act amending Article 4893, Title 71, Chapter 9, of the Revised Civil Statutes of the State of Texas, 1911, as amended by Chapter 104, General Laws passed by the Regular Session of the Thirty-third Legislature, relating to co-insurance; and the passage of an act amending Chapter 105, General Laws passed by the Regular Session of the Thirty-third Legislature, known as the "Technicality Act."

25. The passage of an act amending Chapter 67, General Laws passed by the Regular Session of the Thirty-third Legislature, which chapter relates to intoxicating liquors and prohibits the intra-state shipment of same into prohibition territory, so that the provisions of said chapter will permit the shipment of alcohol into prohibition districts to druggists for use in compounding prescriptions only; and to permit the shipment of wines into such prohibition districts for sacramental purposes; to make provisions prohibiting the shipment of intoxicating liquors for other purposes into prohibited territory from interstate points; and to further amend the act so as to permit the shipment of intoxicating liquors from one point in the State where it is licensed to be sold to individuals at other points in the State where its manufacture and sale is not prohibited.

26. The passage of an act to amend Articles 7435, 7442, 7451 and 7452, of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or places of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6:00 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6:00 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any

penal law of this State relating to retail liquor dealers.

In presenting this subject for legislation it is intended only that the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold be fixed so as to conform the civil statute herein referred to to the hours prescribed in Article 615, Title 11, Chapter 8, of the Penal Code, as amended by Chapter 75, General Laws of the Regular Session of the Thirty-third Legislature.

27. The passage of an act to set apart a portion of Harbor Island for a State quarantine station and providing for the relinquishment of inchoate rights and refunding of payments made on such rights.

28. The passage of an act redistricting the State into thirty-one Senatorial Districts, as provided by the Constitution.

Respectfully submitted,
O. B. COLQUITT,
Governor of Texas.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Johnson:

Senate bill No. 21, A bill to be entitled "An Act adding to and making a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto situate in Hall county, and adding thereto and making a part thereof certain lands and territory adjoining thereto situate in the county of Collingsworth, all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the Treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Johnson:

Senate bill No. 22, A bill to be entitled "An Act to create a more efficient road system for Hall county, Texas, and making the commissioners court of said county ex-officio road commissioners in their respective precincts, making this act cumulative, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Hudspeth:

Senate bill No. 23, A bill to be entitled "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein and to repeal all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Gibson (by request):

Senate bill No. 24, A bill to be entitled "An Act to amend Section 5695, Revised Statutes of Texas of 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Bailey of De Witt:

Senate bill No. 25, A bill to be entitled "An Act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in De Witt county upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing and also providing means of adjusting damage for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senators Brelsford, Warren and Bailey of DeWitt:

Senate bill No. 26, A bill to be entitled "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Westbrook, Collins, Brelsford, Townsend, Hudspeth and Nugent:

Senate bill No. 27, A bill to be entitled "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State, of 1911, relating to attachments, by adding thereto 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands, and providing for the fixing of the amount of bond in such cases, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator McNealus:

Senate bill No. 28, A bill to be entitled "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being 'An Act to create a more efficient road system for Dallas county,' and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Nugent:

Senate bill No. 29, A bill to be entitled "An Act to prohibit the creation of deficiencies or debts in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or the creating of any debt inconsistent with existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator McGregor:

Senate bill No. 30, A bill to be entitled "An Act to amend Sections 26 and 53, of Article 30, of Title 5, of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third District Courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial district courts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit grand juries of

such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial District.

By Senator Darwin:

Senate bill No. 31, A bill to be entitled "An Act to create a special district court for the Fifth Judicial District of Texas; to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court to the district court in said district to such changes, as are made in the jurisdiction of the said court by this bill, to empower the judge of said special district court and the judge of the Fifth Judicial District to transfer cases from their respective courts to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

By Senator Watson:

Senate bill No. 32, A bill to be entitled "An Act to amend Article 4954, Title 71, Chapter 15, of the Revised Civil Statutes of the State of Texas, 1911, so that the terms 'special or board contract or similar provision' shall be construed to have a technical meaning and not a literal meaning, and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senator Willacy:

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described and defined, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating

macadamized, gravelled or paved roads, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Willacy:

Senate bill No. 34, A bill to be entitled "An Act to create and establish the county of Lott, in honor of Uriah Lott, taken from the existing territory of Duval county, prescribing its area and boundaries, providing that all laws and parts of laws in conflict herewith shall have no application, and declaring an emergency."

Read first time and referred to Committee on Counties and County Boundaries.

By Senator Willacy:

Senate bill No. 35, A bill to be entitled "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Warren:

Senate bill No. 36, A bill to be entitled "An Act to amend Sections 2, 8, 9 and 12, of 'An Act to authorize and empower Kaufman county, or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Carter:

Senate bill No. 37, A bill to be entitled "An Act to amend Sections 3, 4 and 10, of Chapter 173, of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands."

Read first time and referred to Judiciary Committee No. 1.

By Senator Carter:

Senate bill No. 38, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, etc., and declaring an emergency."

Read first time and referred to Committee on Commerce and Manufactures.

By Senator Warren:

Senate bill No. 39, A bill to be entitled "An Act providing for the construction of necessary buildings for the University of Texas; for raising the necessary funds for such purpose by the creation of the University of Texas Building Fund; prescribing certain duties for carrying into effect the provisions of this act of the Governor of the State, the Attorney General, the Superintendent of Public Instruction, the president of the University of Texas and the president of the board of regents of the University of Texas, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Wiley:

Senate bill No. 40, A bill to be entitled "An Act to amend Article 911 of the Penal Code of the State of Texas, as amended at the Regular Session of the Thirty-third Legislature, Chapter 135, page 268, Acts of the Thirty-third Legislature, so as to prevent taking fish or terrapin by drag seine during the breeding season and to prevent seining and netting in all passes leading from Texas bay waters into the Gulf of Mexico, and in all streams and canals leading from one body of salt water to another body of salt water in the State of Texas; to empower the Game, Fish and Oyster Commissioner to close waters against seining and netting under certain conditions, and to prevent seining during the breeding season in salt waters, and providing penalty for the violation of this act, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senators Terrell and Darwin:

Senate bill No. 41, A bill to be entitled "An Act creating a State Highway Department, and establishing a State Highway Commission and the office of a State Highway Engineer, prescribing the duties of each, and fixing the compensation of said State Highway Engineer, requiring the registration of motor vehi-

cles, prescribing rules and regulations thereof, authorizing said Commission to issue licenses and assign numbers to owners of said motor vehicles, fixing the fees charged therefor, and providing for penalties for violation thereof, making appropriation to carry out the provisions of this act, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

AT EASE.

The Senate was here at ease subject to call, on motion of Senator Watson.

The Senate was called to order at 4:55 o'clock p. m. by President Pro Tem. Carter.

REPORT OF COMMITTEE ON PRIVILEGES AND ELECTIONS.

Committee Room,
Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, a majority of your Committee on Privileges and Elections, to whom was referred the contest of C. A. Wheeler vs. A. C. Oliver for a right to a seat in the Senate of Texas, under the provisions of a resolution introduced August 6, 1913, and adopted on same date, beg leave to report that we have had the same under consideration and are instructed to report the same back to the Senate with the following recommendation:

That upon hearing said contest, including the testimony of all witnesses offered by the contestant therein, as also the arguments of council, we are of the opinion that A. C. Oliver received the plurality of the votes cast by the electorate of the First Senatorial District; and further, that the said A. C. Oliver is entitled by reason of said plurality to a seat in the Senate of Texas.

We further recommend that this report be adopted and that the same be published in the Journal.

Notice was duly given of a minority report.

McGREGOR, Chairman.

To the Senate of Texas:

We, a minority of your Committee on Privileges and Elections, to whom was referred the contest of C. A. Wheeler against A. C. Oliver for the Senatorial seat from the First District

of Texas, beg leave to submit the following report:

It being admitted by contestant and contestee both that a great many ballots were cast and counted, including all the ballots cast at Douglasville, the home of contestee, upon which the presiding judge did not write his name, as plainly required by law, and that many of the ballots were not numbered as plainly required by law; and, whereas, under the evidence and agreements before us it is impossible to determine who, if anybody, was elected, and we are constrained to believe from said evidence that no legal election was held to fill the vacancy in many parts of said Senatorial District. Therefore, be it

Resolved, That we recommend to the Senate that it decline to seat either the contestee or contestant, but refer the matter back to the people of the First Senatorial District.

BRELSFORD,
WARREN,
TAYLOR,
TOWNSEND,
COLLINS,
JOHNSON,
LATTIMORE,
GREER,
DARWIN,
McNEALUS,
CONNER,
COWELL,
WILEY,
WESTBROOK.

The above committee report was read and Senator Townsend made the point of order on same that it was not in compliance of the resolution referring same to the committee.

The Chair, President Pro Tem. Carter, sustained the point of order.

Senator Townsend moved that the chairman of the Committee on Privileges and Elections be instructed to file a copy of the testimony, etc., in accordance with the resolution providing for referring the matter to the committee, and that same be printed in the Journal, which motion prevailed.

The above reports were read, and

Senator Hudspeth moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this report.

The motion prevailed by the following vote:

Yeas—25.

| | |
|--------------------|------------|
| Astin. | Brelsford. |
| Bailey of De Witt. | Carter. |
| Bailey of Harris. | Clark. |

| | |
|------------|-----------|
| Collins. | Nugent. |
| Darwin. | Real. |
| Gibson. | Taylor. |
| Greer. | Terrell. |
| Harley. | Townsend. |
| Hudspeth. | Warren. |
| Johnson. | Watson. |
| Lattimore. | Wiley. |
| McGregor. | Willacy. |
| Morrow. | |

Nays—3.

| | |
|-----------|------------|
| Conner. | Westbrook. |
| McNealus. | |

Absent.

Cowell.

Senator Watson moved that the majority committee report be adopted.

Senator Lattimore moved, as a substitute, that the minority report be adopted.

Senator Brelsford moved the previous question on the pending motions, which motion being duly seconded, was so ordered.

Action recurred on the substitute motion to adopt the minority committee report, and the same was lost by the following vote:

Yeas—12.

| | |
|------------|------------|
| Brelsford. | Lattimore. |
| Collins. | Taylor. |
| Conner. | Townsend. |
| Darwin. | Warren. |
| Greer. | Westbrook. |
| Johnson. | Wiley. |

Nays—14.

| | |
|-------------------|-----------|
| Astin. | Hudspeth. |
| Bailey of DeWitt. | McGregor. |
| Bailey of Harris. | Morrow. |
| Carter. | Nugent. |
| Clark. | Real. |
| Gibson. | Terrell. |
| Harley. | Watson. |

Present—Not Voting.

McNealus.

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Cowell (absent), who would vote "yea."

The majority committee report was then adopted.

Senator Watson moved to reconsider the vote by which the majority committee report was adopted and lay that motion on the table.

The motion to table prevailed.

Senator Watson moved that the Chair appoint a committee to escort Senator-

elect Oliver to the President's stand, which motion prevailed.

The Chair appointed Senators Lattimore, Brelsford and Hudspeth as the committee, whereupon Senator Oliver was escorted to the President's stand, at which time the constitutional oath of office was administered him by Lieutenant Governor Mayes. Senator Oliver was introduced to the Senate and spoke briefly.

(Lieutenant Governor Mayes in the chair.)

SENATE BILL NO. 26.

(By Unanimous Consent.)

On motion of Senator Brelsford, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering Senate bill No. 26 (see Appendix for committee report).

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 26 put on its second reading by the following vote:

Yeas—23.

| | |
|--------------------|------------|
| Astin. | Lattimore. |
| Bailey of De Witt. | McNealus. |
| Bailey of Harris. | Nugent. |
| Brelsford. | Oliver. |
| Carter. | Real. |
| Clark. | Townsend. |
| Collins. | Warren. |
| Conner. | Watson. |
| Greer. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |
| Johnson. | |

Absent.

| | |
|-----------|----------|
| Cowell. | Morrow. |
| Darwin. | Taylor. |
| Gibson. | Terrell. |
| McGregor. | |

The Chair laid before the Senate, on second reading,

Senate bill No. 26, A bill to be entitled "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

| | |
|--------------------|------------|
| Astin. | Lattimore. |
| Bailey of De Witt. | McNealus. |
| Bailey of Harris. | Morrow. |
| Brelsford. | Nugent. |
| Carter. | Terrell. |
| Clark. | Townsend. |
| Collins. | Warren. |
| Conner. | Watson. |
| Greer. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |
| Johnson. | |

Absent.

| | |
|-----------|---------|
| Cowell. | Oliver. |
| Darwin. | Real. |
| Gibson. | Taylor. |
| McGregor. | |

The bill was read third time and passed by the following vote:

Yeas—24.

| | |
|--------------------|------------|
| Astin. | Johnson. |
| Bailey of De Witt. | Lattimore. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Terrell. |
| Collins. | Townsend. |
| Conner. | Warren. |
| Gibson. | Watson. |
| Greer. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |

Absent.

| | |
|-----------|---------|
| Cowell. | Oliver. |
| Darwin. | Real. |
| McGregor. | Taylor. |

Senator Brelsford moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 16.

Senator Bailey of Harris asked unanimous consent to take up Senate bill No. 16, and there was objection, and

Senator Bailey of Harris moved to suspend the regular order of business, Senate bill No. 10, and take up Senate bill No. 16, out of its order, which motion was adopted by the following vote:

Yeas—20.

| | |
|-------------------|----------|
| Astin. | Carter. |
| Bailey of Harris. | Clark. |
| Brelsford. | Collins. |

| | |
|-----------|------------|
| Gibson. | Nugent. |
| Greer. | Terrell. |
| Harley. | Warren. |
| Hudspeth. | Watson. |
| Johnson. | Westbrook. |
| McNealus. | Wiley. |
| Morrow. | Willacy. |

Nays—3.

| | |
|------------|-----------|
| Conner. | Townsend. |
| Lattimore. | |

Absent.

| | |
|--------------------|---------|
| Bailey of De Witt. | Oliver. |
| Cowell. | Real. |
| Darwin. | Taylor. |
| McGregor. | |

The Chair laid before the Senate, on second reading,

Senate bill No. 16, A bill to be entitled "An Act on the subject of private corporations, authorizing the chartering of corporations for the purpose of acquiring, improving, subdividing and selling unimproved lands within the State of Texas under the terms, conditions and limitations prescribed in this act; the said corporations to be known as 'colonization companies'; and all corporations organized under the provisions of this act, or which accept the provisions of the same, shall be under the supervision of the Commissioner of Banking and Insurance; prescribing the powers, duties and limitations of said corporations; requiring the same to make reports; prescribing the amount of franchise taxes to be paid; prescribing the terms and conditions under which corporations now in existence chartered for other purposes may accept the provisions of this act and exercise the powers and privileges thereof; prescribing the terms and conditions on which foreign corporations chartered for the same purpose may be admitted to do business in this State, and prescribing the powers, duties and privileges of said foreign corporations, and prohibiting any foreign corporation granted a permit to do business in this State from acquiring, improving, subdividing or selling real estate except as an agent for the owner of said lands; prescribing the procedure to be pursued against companies violating the provisions of this act; and further providing that any foreign corporation doing business in this State under a permit that without the consent of the other party to the litigation shall remove a suit or proceeding brought by or against it in a State court to any Federal court or shall institute any suit in a Federal court against any domestic corporation

or citizen in this State, shall have its permit canceled and it shall be barred from doing business in this State, and declaring an emergency."

Senator Collins offered the following amendment:

Amend the bill, as follows: In line 15, page 3, strike out the word "prairie" and after the word "years," in line 17, same page, strike out all after the word "years" down to and including the word "years," in line 19, page 3.

Senator Bailey of Harris moved to table the amendment, which motion to table was lost by the following vote:

Yeas—8.

| | |
|--------------------|----------|
| Bailey of De Witt. | Nugent. |
| Bailey of Harris. | Oliver. |
| Carter. | Terrell. |
| Hudspeth. | Watson. |

Nays—16.

| | |
|----------|------------|
| Astin. | Johnson. |
| Clark. | Lattimore. |
| Collins. | McNealus. |
| Conner. | Morrow. |
| Darwin. | Taylor. |
| Gibson. | Townsend. |
| Greer. | Westbrook. |
| Harley. | Wiley. |

Present—Not Voting.

| | |
|------------|-------|
| Brelsford. | Real. |
|------------|-------|

Absent.

| | |
|-----------|----------|
| Cowell. | Warren. |
| McGregor. | Willacy. |

The amendment was then adopted.

ADJOURNMENT.

Senator Townsend, at 6 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Carter moved that the Senate recess until 8 o'clock tonight.

Action recurred on the longest time first, and the motion to adjourn until 10 o'clock tomorrow morning prevailed by the following vote:

Yeas—16.

| | |
|------------|------------|
| Astin. | Harley. |
| Brelsford. | Lattimore. |
| Clark. | McNealus. |
| Collins. | Nugent. |
| Conner. | Terrell. |
| Darwin. | Townsend. |
| Gibson. | Westbrook. |
| Greer. | Wiley. |

Nays—11.

| | |
|--------------------|---------|
| Bailey of De Witt. | Oliver. |
| Bailey of Harris. | Real. |
| Carter. | Taylor. |
| Hudspeth. | Warren. |
| Johnson. | Watson. |
| Morrow. | |

Absent.

| | |
|-----------|----------|
| Cowell. | Willacy. |
| McGregor. | |

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the

Senate, Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 28, A bill to be entitled "An Act to amend Chapter 41, Acts of the Twenty-ninth Legislature, as amended by the Thirtieth Legislature, being an act to create a more efficient road system for Dallas county, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, McNealus, Townsend, Harley, Morrow.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 36, A bill to be entitled "An Act to amend Sections 2, 8, 9 and 12 of an act to authorize and empower Kaufman county, or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of

constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work adopted at the Regular Session of the Thirty-third Legislature, 1913, providing for a tax levy of 25 cents on the one hundred dollars of assessed property values, instead of the 15 cents incorporated in the aforesaid act, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Taylor, McNealus, Townsend, Harley, Morrow.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 22, A bill to be entitled "An Act to create a more efficient road system for Hall county, Texas, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, McNealus, Townsend, Harley, Morrow.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 34, A bill to be entitled "An Act to create and establish the county of Lott, in honor of Uriah Lott, taken from the existing territory of Duval county, etc., and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Johnson, Conner, Willacy, Brelsford, Darwin.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads,

Bridges and Ferries, to whom was referred

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower San Patricio county or any political subdivision or any defined district now or hereafter to be described and defined, of said county by a vote of two-thirds majority of the resident property taxpayers qualified voters of such county or political subdivision, or any defined district now or hereafter to be described and defined thereof, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described and defined, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work; providing the manner of establishing defined districts; repealing Chapter 64 of the Acts of the Regular Session of the Thirty-third Legislature, being Senate bill No. 295; providing for the election of boards of permanent road commissioners and their duties, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Westbrook, Taylor, McNealus, Harley, Townsend, Morrow.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 26, A bill to be entitled "An Act to amend Article 6002, Title 97, Revised Statutes of Texas, 1911, providing for the appointment of notaries public, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Brelsford, Chairman; Townsend, Darwin, Westbrook, Terrell, Gibson, Watson.

(Floor Report.)

Austin, Texas, August 12, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 18, A bill to be entitled "An Act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Nugent, Collins, Brelsford, Bailey, Greer, Carter, Morrow, Taylor.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 21, A bill to be entitled "An Act adding to and making a part of the Memphis Independent School District of Hall county, Texas, certain lands and territory adjoining thereto, situate in Hall county, and adding thereto and making a part thereof certain lands and territory adjoining thereto, situate in the county of Collingsworth, all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territory and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the treasury annually a proportional part of a certain tax fund existing on part of said territory, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Johnson, Chairman; Darwin, Wiley, Harley, Astin, Real, Clark.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Penitentiaries, to whom was referred

19—S

House bill No. 18, A bill to be entitled "An Act to repeal Article 6214 of the Revised Statutes of 1911, to amend Article 6215, Title 104, of the Revised Statutes of 1911, so as to provide that prisoners of the State penitentiary system need not be paid for Sunday labor; to amend Article 6220, Title 104 of the Revised Statutes of 1911, so as to provide that prisoners worked on farms may be required to labor from sunrise to sunset, and amending Article 6223, Title 104, of the Revised Statutes of 1911, so as to provide that the State need not pay the transportation of discharged convicts to any point within the State, but only to the nearest depot to the point from whence sentenced, or an equal distance,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, with the engrossed rider, and be not printed.

Hudspeth, Chairman; Nugent, Taylor, Harley, Greer, Bailey of DeWitt, Warren, Real, Bailey of Harris, Clark.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 32, A bill to be entitled "An Act to amend Article 4954, Title 17, Chapter 15, of the Revised Civil Statutes of the State of Texas, 1911, so that the terms "special or board contract or similar provision" shall be construed to have a technical meaning and not a literal meaning, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Real, Clark, Harley, Bailey of DeWitt, Hudspeth.

(Floor Report.)

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act to authorize the Governor, Attorney General and Land Commissioner to lease water rights in the Guadalupe river, in DeWitt county, upon such terms and for such consideration as they may prescribe, and providing priority

of interest in leasing, and also providing means of adjusting damages for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation, the manner of measuring water, and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made, and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and that the same be not printed, for the reason that same may be found printed on pages 69 to 71, inclusive, of the General Laws of the Thirty-third Legislature, passed at the Regular Session of same in 1913.

Morrow, Chairman; Lattimore, Hudspeth, Carter, Wiley, Greer, Watson, Brelsford, Clark.

Committee Room,

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred Senate bill No. 19, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that same be printed in the Senate Journal.

ASTIN, Chairman.

Following is the bill in full:

S. B. No. 19. By Conner and Carter
(by request).

A BILL

To Be Entitled

An Act to amend Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled "An Act to amend Chapter 24 of the Acts of the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experiment stations in certain parts of Texas; to provide for proper appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency,' and providing further for a governing board for the

Texas Agricultural Experiment Stations, defining the place of residence of the Director of Texas Experiment Stations, and declaring an emergency"; providing for the payment of the salary of the Director of said Experiment Stations, defining his powers and duties and also the powers and duties of the governing board and fixing their terms of office; also providing that the Texas State Agricultural Experiment Station located at the Agricultural and Mechanical College in Brazos county shall remain under the control of the Board of Directors of the Agricultural and Mechanical College, and authorizing the board to receive from the Federal government the aid that has been or may hereafter be available for it under an Act of Congress, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 162 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas be and the same is hereby amended to read as follows:

Sec. 2. There shall be established at such places in the State of Texas as the board hereinafter named may deem proper experiment stations in addition to those now in operation for the purpose of making experiments, and conducting investigations in the planting and growing of agricultural and horticultural crops, and soils, and the breeding, feeding and fattening of live stock for slaughter.

Sec. 3. The experiment station located at the Agricultural and Mechanical College in Brazos county which is in part supported by the Federal government shall remain at said point as a permanent institution. It shall be known as the Main or Principal State Experiment Station and it shall continue, as heretofore, under the supervision of the Board of Directors of the Agricultural and Mechanical College of Texas, which board shall have the authority to accept from the Federal government such aid, in its support, as is now or which may hereafter be provided by Congress. All other experiment stations of whatever character which may have heretofore been, or which may hereafter be, established, as provided in this act, shall be considered as sub-stations.

Sec. 4. Said sub-experiment stations shall be governed by a board consisting of four persons who shall be qualified

voters, to be known as the governing board, one of whom shall be the Lieutenant Governor and the other three shall be appointed by the Governor with the advice and consent of the Senate. The members of the governing board heretofore appointed by the Governor shall continue to exercise their duties until the appointment and qualification of their successors.

Sec. 5. With the exception of the Lieutenant Governor, the governing board shall be divided by lot into three classes, numbered one, two and three as determined by the board at its first meeting after this act takes effect. The person drawing number one shall hold office until the Regular Session of the Thirty-fourth Legislature and until the appointment and qualification of his successor; the person drawing number two shall hold office until the Regular Session of the Thirty-fifth Legislature and until the appointment and qualification of his successor, and the person drawing number three shall hold his office until the Regular Session of the Thirty-sixth Legislature and until the appointment and qualification of his successor. The Governor shall fill all vacancies as they occur for any unexpired term, subject to the approval of the Senate. The terms of office of all appointees on said board thereafter shall be made for six years.

Sec. 6. With the approval of the Governor, the governing board shall have power:

(a) To establish sub-experiment stations at such places in the State of Texas as it shall deem proper in addition to those now in operation.

(b) To abandon or discontinue any sub-station which is now or which may hereafter become undesirable for experiment purposes, and, if deemed necessary, may establish others in their stead at such place or places in the State of Texas as it shall deem advisable.

(c) To sell any land or other property of the State of Texas owned or used by it in the operation of an experiment station, when such station is abandoned as herein provided, the proceeds from the sale of which may be applied by said board in the purchase of other land and property for the establishment of an experiment station. In the event of any such sale being made, the title to said property shall not pass from the State until a deed of conveyance therefor is made to the purchaser duly signed by the Governor and attested by the Secretary of State under his official seal, who

are hereby authorized to execute the same. All funds received from the sale of said station land or other property shall be deposited in the State Treasury in an account known as "the experiment station fund," and to be paid out in accordance with the provisions of this act, upon voucher, as prescribed in Section 16 of this act, for experiment station accounts.

Sec. 7. The said governing board shall also have power to accept and receive all donations in money or other property when given to be used in connection with any experiment work authorized by this act.

Sec. 8. In the location of any experiment station said board may take into consideration and receive any donation, either in money, land or other property, to be used in the operation, equipment or management of any such station, and, for experiment work, may lease such land as may, in its judgment, be necessary for any of the purposes named in Section 2 of this act.

Sec. 9. All sub-experiment stations, including those heretofore as well as those hereafter established shall be subject to the provisions of this act and shall be under the supervision, control, management and direction of the director of the Texas Agricultural Experiment Station at the Agricultural and Mechanical College, whose residence shall be at College Station, Brazos county, Texas.

Sec. 10. The director of the Texas Agricultural Experiment Station may employ such assistants and labor and may purchase such live stock, farming implements, tools, seed and such other materials and supplies as he shall deem necessary to the successful management of all or any of such experiment stations, subject to the approval of the governing board.

Sec. 11. Proceeds from the sale, barter or exchange of crops raised on any of said experiment stations shall go to defray the expenses of operating the same. The director shall make a complete report monthly to the governing board showing receipts and disbursements, the source of such receipts and for what the same were disbursed.

Sec. 12. It shall be the duty of the director of Texas Agricultural Experiment Stations to issue and circulate among the farmers and live stock raisers of the State of Texas, from time to time, as may be deemed beneficial to such industries, printed bulletins showing the results of such experiments, such bulletins to be mailed to such persons as

may desire them. Said bulletins shall also show the results accomplished and the progress made in the improvement of the agricultural and live stock interests of the State. He shall also invite their co-operation and shall give them advice when requested with reference to the management and cultivation of their farms, and also of the care, management and feeding of their stock. It shall also be the duty of the director of said stations to make to the governing board, annually, on or before the first day of January, a full and detailed report of the operation of said stations, including a statement of receipts and expenditures, which report shall be transmitted to the Governor with such additional report as the board shall deem proper.

Sec. 13. In addition to the duties hereinbefore prescribed it shall be the duty of the governing board to visit said experiment stations at least once each year; it shall make such criticisms to the director and his assistants as it shall deem expedient and needful.

Sec. 14. The governing board is hereby authorized to pay a part of the director's salary from funds appropriated by the Legislature for the maintenance and support of said experiment stations in such proportion, as in its judgment may be just and proper, taking into consideration the division of his time between said sub-stations and the main station at the Agricultural and Mechanical College and the sum appropriated for such purposes from the Federal appropriation.

Sec. 15. The necessary traveling expenses of the members of the said governing board and those of the director and of his assistants, shall be paid out of funds appropriated by the State of Texas for the maintenance and support of said experiment stations. In addition to their actual traveling expenses, the members of said board when traveling upon the official business of said stations shall each be paid five dollars per day while actually engaged in the discharge of their duties.

Sec. 16. Before warrants are issued by the State Comptroller in payment of State experiment station accounts, vouchers covering the same shall be audited and signed by the director or by an assistant designated by him in writing for that purpose, and also by the president of the board herein created, or by a member of said board designated by him in writing for that purpose.

Sec. 17. That all laws and parts of

laws in conflict with this act be, and the same are hereby repealed.

Sec. 18. The fact that the law hereby amended is in conflict with the Federal statutes providing for a governing board of the principal Federal agricultural experiment stations in the several States, and particularly with the main or principal agricultural experiment station located at the Agricultural and Mechanical College of Texas, in Brazos county, and the fact that the present law makes no provision for the payment of the expenses of any member of the governing board except that of the president, nor the salary and traveling expenses of the director of Texas agricultural experiment stations, create an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be, and the same is hereby suspended, and this bill placed on its third reading and final passage, and it is so enacted.

Committee Room,

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred Senate bill No. 20, have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and that it be printed in the Senate Journal.

ASTIN, Chairman.

Following is the bill in full:

S. B. No. 20.

By Gibson, Taylor, Hudspeth, Brelsford, Darwin, Collins, Nugent.

A BILL

To Be Entitled

An Act to create a State bonded warehouse system and afford a method of co-operative marketing for those engaged in the production of farm and ranch products; and for the purpose of effectuating this end the creation of a State Warehouse Commission; specifying that said commission shall be composed of two members to be appointed by the Governor and a third member to be the Commissioner of Agriculture; defining the authority of of visitation over corporations chartered under this act; giving it powers under this act; as a part of the system authorizing the formation of State bonded warehouse corporations to be under the supervision and con-

trol of the State Warehouse Commission; defining the purposes, power and authority of such corporations and regulating the chartering, management and business of the same; defining and prescribing the receipts to be issued by State bonded warehouse corporations and the law, rules and regulations regulating the same, and defining the rights of all parties relative to and concerning such receipts; stating the businesses which may be conducted by State bonded warehouses as incidents of their warehouse business; declaring gins to be subject to public use and requiring that all gins in the State after July 31, 1914, shall obtain a license from the State Warehouse Commission, and prescribing certain rules and regulations relative to the ginning and baling of cotton and sampling the same; authorizing the warehouse commission to employ the necessary clerical help, office force and examiners and creating the office of warehouse examiner and defining their authority and compensation; prescribing the salaries of the members of the State Warehouse Commission and the additional compensation of the Commissioner of Agriculture as a member of such commission; conferring certain additional duties and authority on the Commissioner of Agriculture and the Governor of the State, and creating and defining offenses in violation of the act, and prescribing penalties therefor; making an appropriation to carry the act into effect, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The purpose of this act is to provide a system of State bonded warehouses and to afford a method of co-operative marketing for those engaged in the production of farm and ranch products.

Sec. 2. For the purpose of carrying into effect the general purpose of this act there is hereby created a State warehouse commission, which shall be composed of the Commissioner of Agriculture, who shall be chairman thereof, and two members to be appointed by the Governor by and with the advice of the Senate, subject to removal as provided for the removal of State officers by the Revised Statutes of Texas. The members of said commission other than the Commissioner of Agriculture shall be appointed as herein provided within thirty days after this act takes effect. The terms of office of the mem-

bers of this commission other than that of the Commissioner of Agriculture shall be six years, or until their successors are appointed and qualify, provided that the terms of office of the two members first appointed after this act takes effect shall begin on the day this act goes into effect, and one of them shall serve four years and one six years; their terms to be decided by lot after they shall have qualified, but thereafter the terms of each of said appointive commissioners shall be six years; provided, further, that neither commissioner shall after his appointment engage in the business of a warehouseman, commission merchant, cotton merchant or cotton broker.

Sec. 3. The State Warehouse Commission shall have a seal similar to that of the Commissioner of Agriculture, except that the same shall be appropriately worded to show that it is the seal of the State warehouse commission.

Sec. 4. The members of the said commission, other than the Commissioner of Agriculture, shall each receive as compensation for their services, the sum of \$4000 per annum; and the Commissioner of Agriculture shall receive as compensation or salary for the additional services assigned to him under this act the sum of \$1500 in addition to his compensation as now fixed by law such salary of such two appointed members of said commission, and the said addition to the salary of the Commissioner of Agriculture, together with the necessary compensation of experts, examiners, clerical help, organizers and other persons employed by the commission, and all necessary traveling expenses and such other expenses as may be necessary, incurred in carrying out the provisions of this act, shall be paid by warrants drawn by the Comptroller upon the State Treasurer upon the order of the said commission; provided, that the total amount of all salaries and said other expenses shall not exceed the sum of \$50,000 for the two years ending August 31, A. D. 1915, and said sum, or so much thereof as may be needed, is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the two fiscal years beginning September 1, 1913, and ending August 31, 1915.

Sec. 5. For the purpose of facilitating the work of the commission, the commission shall have authority to appoint a secretary, who shall keep the records, minutes and books of the Commission,

and do such other work as may be assigned him by the commission. The commission shall have authority to employ such clerks, stenographers, experts, examiners and such other help as may be necessary in carrying out the provisions of this act. All the members of the commission, and all warehouse examiners appointed by them, shall have authority to administer oaths and may upon their warrants as examiners of the commission, at any time, examine into the affairs of any corporation created under this act. All those employed by the commission for any purpose, shall receive such salary and compensation as may be fixed by the commission, except where the compensation is fixed by this act, and in addition thereto, shall, when traveling, receive their actual necessary traveling expenses.

Sec. 6. It shall also be the duty of said commission personally, so far as possible, and also by organizers employed and paid by it, to promote the organization of corporations under this act. In this respect the commission and its organizers shall be active in their efforts.

Sec. 7. The State Warehouse Commission shall be furnished sufficient room and office space in the Capitol, to be assigned to them by the Superintendent of Public Buildings and Grounds.

Sec. 8. All public cotton gins are declared to be charged with a public use, and shall not be permitted to operate except under a license obtained from the State Warehouse Commission under the terms and provisions of this act, on and after July 31, 1914.

Sec. 9. All those who operate now, or may operate hereafter any public cotton gin or gins in this State, whether corporations or individuals, shall after July 31, 1914, or if their gins are erected after said date, then before they begin ginning cotton for the public, obtain from the State Warehouse Commission a public ginner's license, which license shall show that they have complied with the provisions of this act, and that they are authorized to gin cotton for the public, which license shall be renewed each year. In order to obtain said license, application shall be made to the State Warehouse Commission, which application shall show the capacity of each gin to be operated, and shall state the location of the gin, and the postoffice address of the person, persons or corporation owning and operating the same, and which said application shall be accompanied by a bond signed by the person or persons or corporation operating said gin, and by two

solvent sureties, or by a bonding company engaged in business in the State of Texas, in an amount not less than \$1000; provided further, that gins having a capacity of more than five hundred bales per ginning season, and less than two thousand bales per season, shall give a bond in the sum of \$2500, and those having a capacity of exceeding twenty-five hundred bales per season, shall give a bond in the sum of \$10,000; said bonds shall be upon a form prescribed by the State Warehouse Commission, shall be payable to the State of Texas, for the use and benefit of all who may have a cause of action against the maker thereof under the terms and provisions of this act, and suit may be brought thereon against the maker thereof in any court of competent jurisdiction in the name of the aggrieved party, without the necessity of joining the State in the suit, but the venue of the act shall be subject to the general venue statutes of the State. No one or more suits shall exhaust the bond, but repeated suits may be brought on one bond until the amount of the same has been exhausted. When the bond has become impaired by reason of any payment thereof, the maker thereof shall be required to give a new bond or make good the impairment, otherwise the State Warehouse Commission shall cancel his license as a public ginner. The condition and obligation in the bond shall be that the samples of cotton taken from each bale of cotton ginned by the gin designated in the bond and in its application for license, is a fair, true and correct sample of the cotton in the bale, and that the bale of cotton has been carefully ginned, and that no foreign matter or substance has been placed in the cotton, nor has any water or anything that would increase the weight thereof, been placed therein during the process of ginning or thereafter while said cotton was in the possession of the gin or ginner. It shall not be necessary to give a new bond each year, but the Commission shall see that the bond is maintained at all times in a solvent condition. Each gin shall pay an annual license fee of five dollars.

Sec. 10. Each licensed and bonded gin under this act shall take from each bale of cotton ginned by it, two fair, true and correct samples of cotton, weighing not less than eight ounces each and place the same in separate receptacles and sealed, so that they may not be opened except by cutting; that with said sample of cotton there shall also be placed a certificate under the signature of the ginner or gin company that said sample is a true, correct and

fair sample, and that the ginner or gin company guarantees it under its bond, and that during the process of ginning said bale no foreign substance, water or anything has been placed in said cotton or thereafter while said cotton was in the possession of the ginner or gin company; that such certificate shall also have the name and address of the party for whom ginned, the name and address of the ginner or gin company, the name of the person upon whose land the cotton was raised and the number of the bale on the books of the said gin company; said samples to be disposed of under the rules of the State Warehouse Commission to be promulgated by them for the suppression of fraud.

Sec. 11. Each and every bale of cotton ginned by a public gin in this State after July 31, 1914, shall be wrapped in bagging so as to completely cover the same, and leave none of the cotton exposed. The bagging in which the same is wrapped shall be of such character of fiber and texture that all the markings placed on same will, under ordinary conditions, remain intact and visible. Each and every licensed and bonded ginner shall have the right to place in letters and figures on the sides of each bale of cotton ginned by him in appropriate letters the following:

No. Ginned and baled by Gin
No., a licensed and bonded gin,
under the laws of the State of Texas,
U. S. A.

(Name and address of gin company
or ginner.)

The first blank above indicated shall be the number of the bale on the books of the gin ginning the same, and the second blank shall be the number of the gin's license, assigned and given to it by the State Warehouse Commission, and upon the blank indicated for the signature of the gin shall be the name and postoffice address of the gin company or ginner. After the 31st day of July, A. D., 1914, all bagging in which cotton is baled and wrapped by licensed and bonded gins in the State of Texas shall be of material first approved by the State Warehouse Commission, and manufacturers of bagging whose material has been approved, shall have the right to print upon each pattern of bagging words in substance the following:

"This bagging approved by the State Warehouse Commission of the State of Texas."

Sec. 12. The standards of weights and

measures of this State shall be the standard of weights and measures used under the term and provisions of this act. It shall also be the duty of the State Warehouse Commission to establish standards of classification for cotton, corn and all other farm and ranch products of whatsoever kind and character which may be subject to classification, and originals of such standards so established shall be maintained subject to public inspection in the offices of the Warehouse Commission at all times; and duplicates of said standards, as well as the standards of weights and measures, shall be furnished by the State Warehouse Commission to all who may apply therefor upon the payment of the necessary cost thereof; provided, that the standards of classification shall always be the same as those established by the Government of the United States whenever the Government of the United States establishes any such standards of classification.

Sec. 13. Any number of persons not less than ten, who shall be resident citizens of the State of Texas, and sixty per cent or more of whom shall be actually engaged in the business or farming or stockraising, or both of such businesses, may form and incorporate a company under the terms and provisions of this act. All such corporations must have the words "State Bonded Warehouse Company" as a part of their corporate name. Such corporations shall be organized on the mutual plan, and in the manner following.

Sec. 14. When any number of persons, not less than ten, desire to organize a corporation under this act, they shall make application to the State Warehouse Commission for permission to solicit members and organize the corporation. Said application shall contain:

1. The name of the company, which name so selected shall not be similar to that of any other company, as to likely mislead the public.

2. The place of the principal business office of the said company.

3. The kind of business the company proposes to engage in, the statement of which purpose shall be in language substantially as follows:

"The purpose of this corporation is to operate a warehouse under the terms and provisions of an act of the First Called Session of the Thirty-third Legislature providing for the organization of State Bonded Warehouse Companies."

4. The names and places of residence of not less than five of the persons mak-

ing such application for permit and their several occupations.

5. The amount of reserve to be paid into the treasury of the company, which in no event shall be less than two thousand and five hundred dollars.

6. The affidavit of at least one of said applicants stating the place of residence, occupations and names of such applicants accordingly.

Upon the receipt of such application, together with a fee of \$10 in payment for filing the same, the State Warehouse Commission shall at once file said application and issue to the applicants a permit authorizing them to solicit members and organize the corporation under the provisions of this act.

Sec. 15. Such applicants shall, upon said application, be granted a charter and be authorized to transact business when they present to the State Warehouse Commission twenty or more separate applications for membership in the corporation, accompanied by contracts with farmers or ranchmen who may or may not be applicants for membership, in which said contracts the makers thereof shall be obligated to permit the corporation to weigh, grade and sell the kind, character and amount of farm or ranch products specified in the contracts for the first year of its business, the estimated aggregate amount of which shall not be less than \$50,000; provided, that of the applicants for membership sixty per cent thereof shall be from persons actually engaged in the business of farming or stock raising, or both, and provided, that each of such applicants who is engaged in the business of farming or stock raising, or both, shall accompany his application for membership with a contract with the corporation, permitting it to weigh, grade, classify and sell the kind, character and amount of farm or ranch products specified in the contract for the first year of its business; and, provided further, that a charter shall not be granted such corporation until the full amount of reserve specified in the application has been paid in to the directors and proof thereof made by affidavit and such additional evidence as the commission may require as to said fact. The charter of such company shall be signed and acknowledged by at least four of the original applicants for said permit, and shall contain:

1. The name of the company.

2. The place or places where its business is to be transacted, and the place of its principal business office.

3. The purpose for which it is formed.

4. The term for which it is to exist.

5. The number of its directors and names and residences of those who are selected for the first year; provided, that such corporation shall not have exceeding five directors, four of whom shall be selected by the stockholders, thereafter to be annually elected by the stockholders, and one of whom shall be appointed by the State Warehouse Commission from among the stockholders.

6. The amount of the reserve fund.

The charter must also be accompanied by an affidavit of those who signed the same, showing that the entire amount of reserve has been paid in to the directors of the company; and if the same has been paid in other than cash, then a detailed statement as to the kind, character and value of the property shall be made a part of the affidavit.

Sec. 16. When said applicants have complied with all the above requirements and have filed the necessary copies of their charters and by-laws with the State Warehouse Commission and have paid the fees and taxes herein required, the Commission shall record said charter and furnish the company a certified copy thereof and shall issue to said company a certificate of authority, showing it has complied with the laws of the State of Texas and authorizing it to do business until the last day of the following March; provided, however, that before said charter is delivered to the company and before said certificate of authority is furnished, the corporation shall execute by its proper officers a good and solvent bond, payable to the State of Texas, in an amount double the amount of its reserve fund, to be signed by two or more good and solvent sureties or by some bond or guaranty company having a permit to and actually transacting business within the State of Texas; the conditions of such bond shall be sufficient to obligate the corporation to observe and carry out all the terms and provisions of this law and such other laws as may be enacted by the Legislature governing said bonded warehouse and shall be for the purpose of guaranteeing that the corporation shall exercise ordinary care in the storage, preservation and handling of all products entrusted to it for storage or sale, or for both, and shall be for the purpose of guaranteeing the classification, weights, grades and measures made by the corporation, and for the purpose of guaranteeing the performance by it of all obligations executed and made by it, save

and except the principal of the sinking fund bonds provided for in this act, but the payment of the interest on said sinking fund bonds is and shall be secured by said bond. The bond herein provided for may be sued upon by any person sustaining damage by reason of any default or dereliction of duty herein provided for by said corporation in any court of competent jurisdiction within this State, the venue of which suit, however, shall be determined by the general venue statutes of the State. It shall not be necessary to make the State of Texas a party to such suit; nor shall any one or more suits preclude further suits on the bond, but successive suits may be brought on said bond until the same shall have been exhausted. Should said bond become at any time impaired, then the Warehouse Commission shall require said impairment to be made good, and unless the same is made good within thirty days after notice so to do, the Commission shall have authority to close the doors of the corporation and liquidate its affairs and discharge its debts. In the event such corporation should be taken charge of by the State Warehouse Commission, then it shall have the right to collect said bond by suit or otherwise, or a sufficient amount thereof, which, taken with the other assets of the corporation, shall be sufficient to pay its debts and discharge all of its obligations. Said bond must be approved by the State Warehouse Commission before being filed by it and before charter is delivered and the certificate of authority herein provided for issued. The charter and bond must be examined and approved by the Attorney General before issuance or delivery of the charter is made to the corporation.

Sec. 17. The reserve fund herein provided for shall never be less than twenty-five hundred dollars; and in all towns or villages of exceeding two thousand population and less than ten thousand population, which number of population may be determined in such manner as may be required by the State Warehouse Commission, the reserve fund shall not be less than five thousand dollars; in all cities and towns with a population in excess of ten thousand inhabitants and less than twenty-five thousand inhabitants, the reserve fund shall not be less than twenty thousand dollars; and in all cities or towns with a population of exceeding twenty-five thousand inhabitants, the reserve fund shall not be less than fifty thousand dollars; provided further, that corporations whose reserve fund is less than ten thou-

sand dollars shall not transact business in more than one county of the State. Such reserve fund may be paid in cash or United States bonds, Texas State bonds, or county, district, city or municipal bonds of the State of Texas, provided such bonds are issued by authority of law and the interest upon same has never been defaulted; or in first mortgages on improved farm lands within this State where the first mortgage does not exceed fifty per cent of the value of the lands and improvements thereon. Or said reserve fund may be paid in any property suitable for the purposes of the corporation.

Sec. 18. Every State bonded warehouse company chartered hereunder shall be under the supervision and control of the State Warehouse Commission, which commission shall make or cause to be made an examination of the affairs of each such company at the company's expense at least twice each year and at such other times as the Commission deems proper; the Commission shall thoroughly and carefully inspect the books, accounts and records of the company and if upon such inspection the affairs of such corporation are found to be in a sound condition and the company solvent and able to fulfill its obligations and that the same is being operated in compliance with the law, the Commission shall issue to the company a certificate showing the result of such examination. If upon examination the Commission is of the opinion that such corporation is insolvent, or has exceeded its powers, or that its business is being conducted in an unsafe manner, or that it has failed to comply with any provision of the law governing it, the Commission may suspend the company's permit and shall give it written notice of that which is objected to and upon failure on the part of the company to remove such objection within a reasonable time not to exceed in any event thirty days, the Commission may close the doors of such company, take charge of its affairs, liquidate its assets, collect all sums of money due it, collect the amount or amounts due on its bond and pay the debts and obligations of the company; the Commission shall also report the condition of the company to the Attorney General, who may bring such action as the necessities of the case and the law require or permit. The State Warehouse Commission shall also not less than twice each year and more frequently if it desires, call upon such company for a statement of the condition of its affairs showing the condition of its re-

serve fund, of its assets and liabilities, the kind, character and amount of its business and its reserve and obligations, and for such other information as may be necessary to show the condition of the company's business and whether or not it is complying with the law. Such report shall be made upon the oath of one of the managing officers of the corporation and shall be attested by at least three of its directors. The report so made shall be upon forms prescribed by the State Warehouse Commission.

Sec. 19. The expense of each and every general and special examination of corporations chartered under this act shall be paid by the corporation examined in such amount as the Commission shall certify to be just and reasonable, provided such expenses shall be paid in proportion to the reserve fund of the various corporations, as follows: Those with a reserve fund of two thousand and five hundred dollars (\$2500) shall not pay more than twelve dollars and a half (\$12.50); those with a reserve fund of two thousand and five hundred dollars (\$2500) and not exceeding ten thousand dollars (\$10,000) shall pay not exceeding twenty dollars (\$20); those with a reserve fund of fifty thousand dollars (\$50,000) or less, and not less than twenty thousand dollars (\$20,000) shall pay forty dollars (\$40); those with a reserve fund exceeding fifty thousand dollars (\$50,000) shall pay seventy-five dollars (\$75); provided, that those with a reserve fund of one million dollars (\$1,000,00) or more shall pay not exceeding two hundred dollars (\$200) for each examination. The undivided profits of any corporation shall be reckoned as part of the reserve fund for ascertaining the fees for examination. All sums collected as examination fees shall be paid by the State Warehouse Commission directly into the State Treasury to the credit of the general revenue fund. Payments for salaries and expenses of examination and expense for the State Warehouse Commission in enforcing this act shall be paid upon certificate of the commission by a warrant of the Comptroller upon the State Treasurer.

Sec. 20. The property or business of corporations chartered hereunder shall be controlled and managed by a board of directors not less than three nor more than five in number, who shall be members of the corporation and bona fide citizens of this State; one of said directors shall be annually appointed by the State Warehouse Commission and the remaining directors shall be elected

by a ballot of the members of such corporation; the directors shall be elected annually at the general meeting of the members of such corporation, which meeting shall be held at such time and place as may be prescribed by the by-laws, the notice of which meeting shall be made to each member at least two weeks before the date set for the same. Each member of the corporation at all general and special meetings of the corporation shall have one vote.

Sec. 21. Every warehouse examiner appointed by the commission shall be an expert bookkeeper and accountant, and, before entering upon the duties of his appointment, shall take and file in the office of the commission the constitutional oath, and in addition to make fair and impartial examinations, and that he will not accept as presents or emoluments any pay, directly or indirectly, for the discharge of any act in the line of his duty other than the remuneration fixed and accorded to him by law, and that he will not reveal the condition of any corporation examined by him, or give any information secured in the course of examination to anyone except the commission, and the Attorney General, and except when required to do so in the enforcement of the law. No such examiner shall be appointed who has not had practical experience as bookkeeper and accountant for at least five years. No such examiner shall be appointed who is, at the time, an officer or stockholder in any warehouse company or corporation, or in any firm or corporation engaged in the purchase or sale of farm or ranch products on commission. No such examiner shall be appointed receiver of any State bonded warehouse company whose papers and affairs he shall have examined pursuant to his appointment; and each such examiner shall enter into a bond payable to the State in the sum of ten thousand dollars (\$10,000), to be approved by the commission and deposited in the office of the said commission, conditioned that he will faithfully perform his duties as such examiner. The commission, from time to time, shall appoint such number of State warehouse examiners as may be necessary to make examination of the corporations chartered hereunder, which number shall at no time exceed one for every fifty corporations then subject to examination under the laws of the State; as full compensation for the performance of the duties of examiner, each person so appointed shall be entitled to receive a salary of twenty-five hundred dollars (\$2500) per annum, besides necessary

traveling expenses. An itemized account of such expenses shall be rendered monthly under oath by each examiner and shall be approved by the commission.

Sec. 22. Whenever the commission shall have reason to believe that the reserve fund of any corporation, subject to the provisions of this act, is reduced by impairment or otherwise below the amount required by law or by its certificate or articles of incorporation, it shall require such corporation to make good the deficiency. Whenever it shall appear to the commission from any examination made by them or their examiners that such corporation is conducting its business in an unsafe, unauthorized manner, it shall, by an order under hand and seal, direct the discontinuance of such illegal, unsafe and unauthorized practices, and shall direct a strict conformity with the requirements of the law and with safety and security in its transactions; and if wrong entries or unlawful uses of the funds of a corporation have been made, it shall require that such entries shall be corrected, and such sums, unlawfully paid out, shall be restored by the person or persons responsible for the wrong payment thereof; and whenever any corporation shall refuse or neglect to make any such report as hereinbefore required or or comply with any such order aforesaid or whenever it shall appear to the commission that it is unsafe or inexpedient for any such corporation to continue to transact business or that any officer or director has abused his trust or be guilty of misconduct or malversation in his official position injurious to the institution, or that it has suffered a serious loss by fire, reudiation or otherwise, the commission shall communicate the facts to the Attorney General who shall institute such proceedings as the nature of the case may require; and the court or judge thereof in vacation before whom such proceedings shall be instituted shall have power to grant such orders in its or his discretion as may be necessary, and from time to time to molify or revoke the same, and to grant such relief as the evidence, the situation of the parties or interest in the case shall seem to require.

If, from an examination made by the Commission or examiner, it shall be discovered that any corporation organized under this act is insolvent or that its continuance in business will seriously jeopardize its creditors, it shall be the duty of the Commission immediately to close such corporation and to take charge

of all the property and effects thereof. Upon taking charge of any such corporation, the Commissioner shall, as soon as practicable, ascertain by a thorough examination into its affairs its actual financial conditions, and whenever it shall become satisfied that such corporation cannot resume business or liquidate its indebtedness to the satisfaction of its creditors, it shall report the fact of its insolvency to the Attorney General, who shall immediately upon receipt of such notice, institute proper proceedings in the proper court for the purpose of having a receiver appointed to take charge of such company and to wind up its affairs and business for the benefit of its creditors and members; and it is made the duty of the court and the judge thereof in vacation summarily to appoint said receiver to take possession of the property and effects of said corporation for the purpose of winding up the business thereof, any complaint of the corporation or of its officers subsequently to be heard; also the court or the Commission may appoint a special agent to take charge of the affairs of such insolvent corporation until such receiver is appointed, who shall qualify, give bond and receive compensation the same as a regularly appointed warehouse examiner, such compensation to be paid by the corporation or allowed by the court as costs in case of the appointment of a receiver; provided, that in no case shall any corporation continue in charge of such special agent for a longer period than sixty days. Any corporation chartered hereunder may place its affairs and effects under the control of the Commission by posting a notice on its front door, as follows: "This institution is in the hands of the State Warehouse Commission of the State of Texas." The posting of this notice or a similar notice by the Commission or under its direction that it has taken possession of any corporation shall be sufficient to place all its property and assets of whatever nature in possession of the Commission and shall operate as a bar to any attachment proceedings whatever.

Sec. 23. If any corporation subject to the provisions of this act shall refuse to submit its books, papers and concerns to the inspection of the Commission or any of its examiners, or if any officer or director thereof shall refuse to be examined on oath touching the concerns of the corporation, or if it shall be found to have violated its charter or any law of the State binding upon it, the Commission shall report the facts to the Attorney General, who shall in-

stitute such proceedings against such corporation as is authorized to be instituted against insolvent corporations.

Sec. 24. The directors of any corporation chartered hereunder may appoint or remove any officer or other employe at pleasure. The officer or employe shall have no power to endorse, sell, pledge or hypothecate any bond, note or other obligation received by such corporation or any property deposited with it as a warehouseman until such power and authority shall have been given such officer or employe by the board of directors in a regular meeting of the board, a written record of which proceedings shall have first been made upon the minutes of the corporation; and all acts of endorsing, selling, pledging or hypothecating by any such officer or employe without the authority of the board of directors as herein provided shall be null and void.

Sec. 25. Corporations chartered hereunder shall have the right to erect or purchase and to operate warehouses, buildings, storage tanks, elevators and such other places of storage security as may be necessary for the storage, grading, weighing and classifying of cotton, wheat, corn and other farm products, but all weights, grades and classes shall be made in accordance with the standards of weights, grades and classes prescribed by law and by the State Warehouse Commission. Before any such corporation shall be permitted to open its doors for business and in order for it to continue to transact business, the employe or officer in the active management of its warehouse shall receive a certificate from the State Warehouse Commission as a certified warehouseman. In order to receive such certificate such person must stand an examination before said Commission or before someone directed by it to conduct the same in the city of Austin, or in such other place or places as may be from time to time designated by such Commission for such purpose, which examination shall embrace the general subjects of an English education, and in addition thereto shall embrace the special subjects of bookkeeping, accounting and grading and classifying of cotton and other farm products, and such other subjects as may be from time to time prescribed by the Commission. No one shall be granted a certificate who does not make a general average of seventy-five out of a possible one hundred points on the subjects provided by the Commission; provided, that no one shall be granted a certificate who makes a grade of less than ninety out of a possible one hundred points on the

subject of grading and classifying farm products.

Sec. 26. Every corporation organized hereunder may divide its profits among its members in proportion to the amount of the business transacted for each of said members, after having paid dividends to each member on the amount which each of said members has paid into the reserve fund of the company, subject, however, to the following provisions: Twenty per cent of the net profits on each year's business shall annually be paid into the reserve fund until the reserve fund shall equal twice the amount placed in the reserve fund at the time the corporation was chartered; the balance of the net reserve shall be divided in accordance with the by-laws of the company; provided, that those paying into the reserve fund shall first be entitled to a ten per cent dividend or such amount as may be stated in the by-laws for each year before the remainder thereof is divided among the members in proportion to the amount of business transacted for each member. Corporations chartered hereunder shall have the right to act as warehousemen and charge for their services as such and do and perform generally all things which may be done or performed by warehousemen, subject to the limitations of this act. Such corporations shall also have the right to sell in the market all products of the ranch and farm on a commission basis or such other basis as may be agreed upon by them with their customers. Corporations chartered hereunder shall have the right to purchase or construct all warehouses, landings and buildings as may be necessary for their business. They shall have the right to own, lease and operate compresses and gins for the purpose of facilitating their business of warehousemen and marketing farm and ranch products, but the ownership and operation of such compresses and gins shall not be the main business of such corporations, but shall be merely incidental thereto. Such corporations shall have the right to own and operate canneries, cold storage plants and refrigerator cars for the purpose of preserving and shipping products intrusted to their care, but the ownership and operation of such canneries, cold storage plants and refrigerator cars shall be incidental only of their business, and no corporation shall be chartered under this act for the purpose of operating compresses, gins, cold storage plants, canneries and refrigerator cars. Corporations chartered hereunder shall have the right to own or charter ships for the

purpose of transporting and conveying farm and ranch products stored with them or placed with them for sale. Corporations chartered hereunder shall have the right to loan money upon products placed in their warehouses, provided that the amount loaned thereon shall not exceed seventy-five per cent of the market value of the property so placed with them, except that they may loan eighty-five per cent of the then market value of cotton placed with them; provided, however, that no corporation chartered hereunder shall loan money on cotton which is not ginned and baled by a bonded and licensed gin provided for in this act. Corporations chartered hereunder shall have the right to loan money upon chattel mortgages to their members only for the purpose of enabling them to make and mature their crops, but such chattel mortgages shall always be upon property double the amount in value of money loaned thereon. Corporations chartered hereunder shall have authority to loan money on crop mortgages, but such crop mortgages must always be the first mortgage thereon exclusive of the landlord's lien, and shall always be secured by an acreage which under the ordinary general conditions would produce double the amount loaned thereon. Corporations chartered hereunder may invest their reserve fund and surplus in a home office building not to exceed in value fifteen per cent of its total reserve fund plus its surplus and undivided profits; they may also invest such reserve fund, surplus and undivided profits in United States bonds, Texas State bonds, county, city, district and municipal bonds of the State of Texas; provided, such bonds are issued by authority of law and interest upon them has never been defaulted; or in the first mortgages on improved real estate within the State where the first mortgage does not exceed fifty per cent of the value of the land and improvements thereon, and provided the interest on the debt secured by said mortgages does not exceed six per cent per annum; provided further, that where such lands are situated in any such town or city that the value of the land shall be calculated, exclusive of the improvements unless the improvements thereon are insured in some solvent insurance corporation operating under the laws of Texas with policy payable to the company as its interest may appear. Such corporation shall never have the right to receive deposits nor discount commercial paper generally, but may make such character of loans and investments

as are herein provided for; provided, however, such corporations shall never be permitted to loan money upon chattel mortgages, crop mortgages or personal security except to their members and then only to enable them to make, mature and gather their crops or market their ranch products.

Sec. 27. Corporations organized hereunder shall have authority to contract debts as have other business corporations, and in addition thereto may issue special bonds to be known as "sinking fund bonds" as follows:

They may invest all or any part of their surplus fund, to be not less than twenty-five hundred dollars, in such securities as are herein designated for the payment or investment of their reserve which, when approved by the Warehouse Commission, may be deposited in the State Treasury; the interest on such investment shall be annually paid into the treasury, and be placed to the credit of the sinking fund bonds of such corporation, and which interest shall be from time to time invested by the State Warehouse Commission in similar securities, which in turn shall be deposited in the State treasury. Said securities, when so deposited in the treasury, shall remain there as the sinking fund out of which the principal sum of the bonds hereinafter provided for shall be paid, and said securities shall not be used for any other purpose than to liquidate the sinking fund bonds herein provided for, unless and until such sinking fund bonds have been paid, in which event the security herein provided for shall be returned to the corporation owning same, and shall become a part of the general assets of the corporation. After the investment in the securities herein provided for shall have been made, the State Warehouse Commission shall grant authority to the corporation to issue bonds in double the amount of such original investment to bear not greater than six per cent interest, and to run for a period not exceeding thirty years. When said bonds shall have been issued and signed by the proper officers of the corporation they shall be registered by the State Warehouse Commission; said bonds shall show on their face that the principal thereof is secured by the securities herein required to be deposited in the State Treasury, and shall have plainly written, printed, lithographed or engraved on their face the word's "Sinking Fund Bonds of ——— State Bonded Warehouse Company" with the postoffice address of the corporation; said bonds shall show on their face also

that the interest contracted to be paid thereon is not secured to them by the general assets of the corporation. After said bonds have been issued as herein provided for and registered by the State Warehouse Commission, they shall be returned to the corporation issuing them, and may then be by such corporation placed on the market and sold, but shall never be sold at less than ninety per cent of their face value.

Sec. 28. It shall be the duty of the State Warehouse Commission to collect and disseminate information generally as to the condition of the farm and ranch products, and the probable yield and amount thereof which will be on the market at any particular market season; it shall also collect and disseminate information generally as to the probable demand in all parts of the world for farm and ranch products; it shall also be the duty of the said commission to collect and disseminate generally information concerning farm and ranch industries throughout the State and world generally. For these purposes it is authorized to issue and disseminate said information by letter, telegraph, telephone and the publication of daily, weekly, monthly, quarterly and annual bulletins, and such other publications and means of disseminating information as may be found of value to the farm and ranch industries of the State. It shall be the duty of the State Warehouse Commission to establish its agencies in the various markets of the world at such places as it may in its discretion determine; the duties of which agents shall be prescribed by the commission, but whose special duty it shall be to keep in touch with the requirements of the markets of the world, and the probable consumption of all products of the farm and ranch, and the probable prices to be paid therefor, and report said facts to the commission, and to do such other things as may be hereafter required by law, and as may be required by the commission. Said agents, their salaries and expenses shall be paid out of the fund herein provided for. Said agents shall be paid a salary sufficient to command the best talent, and they shall be men experienced in the market to which they may be assigned. Said agents may or may not be, as in the discretion of the commission it may determine, citizens of the United States, but may be citizens of any country, and shall be considered only as employees of the commission; but said agents shall, when it becomes

necessary to entrust funds to their care, give bonds payable in Austin, Texas, to the State of Texas, for the faithful handling of all funds entrusted to them, and said bonds shall be signed by two good and sufficient sureties residing in the State of Texas, or by a bonding company having a permit to transact business in the State of Texas, and actually transacting business in this State.

Sec. 29. Every corporation organized under this act shall be amenable to and subject to all the laws of this State governing corporations generally where the same are not in conflict with the provisions of this act. Corporations chartered hereunder shall pay the same charter fees and franchise taxes to the warehouse commission as do ordinary business corporations to the Secretary of State, the surplus and undivided profits of corporations chartered hereunder being treated as capital stock for said purposes.

Sec. 30. Warehouses operated under this act shall be conducted under rules fixed by the State Warehouse Commission in order to effectively carry out the provisions of this act; and it shall be the duty of the commission as soon as may be after its organization to promulgate rules and regulations by which the provisions of this act may be effectively carried out.

Sec. 31. Corporations chartered under this act shall be hereafter referred to in the act and designated as warehousemen, as a matter of convenience.

Sec. 32. Warehouse receipts need not be in any particular form, but every receipt must embody within its written or printed terms:

- (a) The location of the warehouse where the goods are stored.
- (b) The date of issue of the receipt.
- (c) The consecutive number of the receipt.
- (d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order.
- (e) The rate of storage charges.
- (f) A description of the goods or the package containing them.
- (g) The signature of the warehouseman, which may be made by his authorized agent.
- (h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and
- (i) A statement of the amount of

advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

(j) It shall also state that the corporation guarantees under its bond, the weight, classes and grades of the products for which the receipt may be given at the time of and at the elevation of the place where said warehouse is located.

(k) Said receipt shall also show the elevation above sea-level of the warehouse, and the temperature and humidity of the atmosphere at the time products are weighed and placed therein.

A warehouseman shall be liable to any person injured thereby, for all damages caused by the omission from a negotiable receipt of any of the terms herein required.

Sec. 33. A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not

(a) Be contrary to the provisions of this act.

(b) In anywise impair his obligation to exercise that degree of care in the safekeeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Sec. 34. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Sec. 35. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's failure to do so, a holder of the receipt who purchased it for value, supposing it to be negotiable, may at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

Sec. 36. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt.

No provision shall be inserted in a ne-

gotiable receipt that is non-negotiable. Such provision, if inserted, shall be void.

Sec. 37. When more than one negotiable receipt is issued for the same good, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for the value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Sec. 38. A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with

(a) An offer to satisfy the warehouseman's lien,

(b) An offer to surrender the receipt if negotiable, with such endorsements as would be necessary for the negotiating of the receipt, and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

Sec. 39. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is

(a) The person lawfully entitled to the possession of the goods, or his agent,

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either endorsed upon the receipt or written upon another paper, or

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or to order or to bearer, or which has been endorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate endorsee.

Sec. 40. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be

liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivision (b) and (c) of the preceding section, and though he delivered the goods as authorized by said subdivision he shall be so liable, if prior to such delivery he had either

(a) Been requested by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery; or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

Sec. 41. Except as provided in Section 65, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to anyone who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

Sec. 42. Except as provided in Section 65, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable to anyone who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

Sec. 43. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was

(a) Immaterial.

(b) Authorized, or

(c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall ex-

cuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which purchaser would have acquired if the receipt had not been altered at the time of the purchase.

Sec. 44. Where a negotiable receipt has been lost or destroyed a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction, and upon giving bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of such original receipt remaining outstanding.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from any liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Sec. 45. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Sec. 46. No title or right to the possession of the goods on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Sec. 47. If more than one person claims the title or possession of the goods, the warehouseman may either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

Sec. 48. If someone other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver such goods, either to the depositor or person claiming under him or to the adverse claim-

ant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Sec. 49. Except as provided in the two preceding sections and in Section 39 and 66, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Sec. 50. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Sec. 51. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

Sec. 52. Except as provided in the following section, a warehouseman shall keep the goods as far separate from the goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited.

Sec. 53. If authorized by agreement or custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Sec. 54. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the

same circumstances as if the goods had been kept separate.

Sec. 55. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they can not thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt as surrendered to him or impounded by the court.

Sec. 56. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Sec. 57. Subject to the provisions of Section 60, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charge for storage and preservation of the goods; also for all lawful claim for money advanced, interest, insurance, transportation, labor, weighing, cooperating and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice and advertisement of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Sec. 58. Subject to the provisions of Section 60 a warehouseman's lien may be enforced:

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted; and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted if such person had been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

Sec. 59. A warehouseman loses his lien upon goods:

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

Sec. 60. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to date of the receipt, unless the receipt expressly enumerate other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of Section 58, although the amount of the charges so enumerated is not stated in the receipt.

Sec. 61. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

Sec. 62. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against a debtor for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted to pay.

Sec. 63. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by

auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien is acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale shall be published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement and sale; the balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

Sec. 64. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of the person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without

advertising. If the warehouseman, after a reasonable effort, is unable to sell such goods he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as in the proceeds of sales made under the terms of the preceding section.

Sec. 65. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Sec. 65. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipts are negotiable.

Sec. 67. A negotiable receipt may be negotiated by delivery:

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer; or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by endorsement of such indorsee.

Sec. 68. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank to bearer or to a specified person. If indorsed to a specified person it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

Sec. 69. A receipt that is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

Sec. 70. A negotiable receipt may be negotiated,

(a) By the owner thereof, or

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

Sec. 71. A person to whom a negotiable receipt has been duly negotiated acquires thereby

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

Sec. 72. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

If the receipt is non-negotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferee or transferor of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Sec. 73. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the

time when the indorsement is actually made.

Sec. 74. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants

(a) That the receipt is genuine.
(b) That he has a legal right to negotiate or transfer it.

(c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and

(d) That he has a right to transfer the title to the goods and that the goods are merchantable or for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

Sec. 75. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

Sec. 76. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt of the quantity or quality of the goods therein described.

Sec. 77. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to intrust the possession or custody of the receipt to such person. If the person to whom the receipt was subsequently negotiated paid value therefor, without notice of a breach of duty, or fraud, mistake or duress.

Sec. 78. Where a person having sold, mortgaged or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof, to any person receiving the same in good faith, for value and without notice of a previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Sec. 79. Where a negotiable receipt

has been issued for goods, no seller's lien or right of stoppage in transit shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or be justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Sec. 80. Any officer, agent or servant of a corporation chartered under this act, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such corporation, or are not under its control at the time of issuing such receipt, shall be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for not exceeding five years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 81. Any officer, agent or servant of a corporation chartered under this act who fraudulently issues or aids in fraudulently issuing a receipt for goods, knowing that it contains any false statement, shall be guilty of a felony, and upon such conviction shall be punished for each offense by confinement in the State penitentiary for any period of time not exceeding two years, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 82. Any officer, agent or servant of a corporation chartered under this act, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing on the face thereof the word "duplicate," except in the case of a lost or destroyed receipt, after proceedings as provided for in Section 44 of this act, shall be guilty of a felony, and upon conviction, shall be punished for each offense by confinement in the State penitentiary for any period of time not exceeding five years, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 83. Where there are deposited with or held by a corporation chartered hereunder, goods of which it is owner, either solely or jointly, or in common with others, then any of its officers, agents or servants who knowing its ownership, issues or aids in issuing a nego-

liable receipt for such goods which does not state such ownership, shall be guilty of a felony, and upon conviction, shall be punished for each offense by imprisonment in the State penitentiary for any period of time not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 84. Any officer, agent or servant of a corporation chartered hereunder, who delivers goods out of the possession of such corporation, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods, is outstanding and uncanceled, without obtaining possession of such receipt at, or before the time of such delivery, shall, except in the cases provided for in Sections 44 and 66, be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for any period of time not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 85. Any person who deposits goods with a corporation chartered hereunder, to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt, which he afterwards negotiates for value with intent to deceive, and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for any period of time not exceeding five years, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 86. Any person who willfully and knowingly violates any of the provisions of this act for which a penalty is not otherwise provided, or who willfully and knowingly does any act or thing prohibited by this act for which no other penalty is herein provided, or who willfully and knowingly fails to do any act or thing herein required of him by the provisions of his act and for which no other penalty is herein provided, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by fine not exceeding one thousand dollars, or by confinement in the county jail for any period of time not exceeding one year, or by both such fine and imprisonment.

Sec. 87. Any ginner or any agent, servant, or employe of the corporation conducting the business of ginning cotton under the terms and provisions of this act, who shall knowingly and will-

fully fail to take two true and correct samples of each bale of cotton ginned by him, as provided for in this act, and the preserve and label the same as provided for in this act, or who knowingly and willfully takes and preserves untrue, unfair and incorrect samples of any bale of cotton ginned by him, or who knowingly and willfully mislabels any samples of cotton taken by him under the terms and provisions of this act, shall be guilty of a felony and upon conviction shall be punished by confinement in the State penitentiary for any period of time not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 88. Each and every ginner and any officer, servant or employe of the corporation conducting the gin business under the provisions of this act, who shall willfully and knowingly plate a bale of cotton, which is to say who shall willfully and knowingly place on the outside of said bale a better grade and quality of cotton than on the inside of said bale for the purpose of deceiving, shall be guilty of a felony and upon conviction shall be punished by confinement in the State penitentiary for any period of time not exceeding five years, or by fine of not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 89. Each and every mixed-packed bale of cotton hereafter ginned and baled by any ginner or gin operating under the provisions of this act, shall be labeled on the back thereof so that it may be seen as follows: "Mixed-Packed;" and any ginner or any officer, agent or employe of any corporation ginning cotton under the provisions of this act, who shall knowingly and willfully fail to so label any mixed-packed bale of cotton shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by confinement in the county jail for any period of time not exceeding one year or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

By "mixed-packed" bale of cotton is meant a bale of cotton in which is placed cotton of different grades, qualities or colors, the tendency of which would be to affect the value and price of the cotton.

Sec. 90. The importance of the legislation proposed in this act and the fact that the present session of the Legislature must expire by law within a few days renders it improbable that this bill can be read on three several days in each House and thereby creates an emergency and an imperative public

necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the said rule is so suspended, and that this act take effect from and after its passage, and it is so enacted.

CALVIN,
WORTHAM,
TERRELL,
KENNEDY,
KIRBY,
HANEY.

PETITIONS AND MEMORIALS.

By Senator Carter:

A petition numerous signed by citizens of Center, Shelby county, urging liberal appropriations for the State University.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,

Thursday, August 14, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

| | |
|--------------------|------------|
| Astin. | Lattimore. |
| Bailey of De Witt. | McGregor. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Oliver. |
| Collins. | Real. |
| Conner. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Harley. | Westbrook. |
| Hudspeth. | Wiley. |
| Johnson. | Willacy. |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Terrell.

(See Appendix for petitions and standing committee reports.)

LETTER FROM MR. BOWMAN.

Austin, Texas, August 13, 1913.

Hon. Will H. Mayes, Lieutenant Governor, Senate Chamber.

Dear Sir: I understand in a discus-

sion this morning of the Governor's message, of January 17th, submitting for confirmation the names of certain vacation appointees, a member of the Senate stated that he had been informed that the Governor's private secretary had changed the date of the message from January 17th to January 20th.

Shortly after the Attorney General delivered his opinion to the Governor with reference to this matter I called upon Mr. Gilmore, Journal Clerk of the Senate, and secured from him the original copy of the message. I found the message was written in this office and dated "January 17th," with typewriter, and that this date had been changed with ink and the figures "20" substituted. The figures are not mine, nor those of the Governor, and I am confident the change was not made in this office. I also feel quite sure the message was delivered to the Senate on Friday evening, January 17th, though as to this I could not state positively from memory. When I first discussed this matter with Mr. Gilmore I recall that he stated the change was made by the Lieutenant Governor, or some official of the Senate, when the message was read on Monday morning. Mr. Gilmore said this was his recollection and was not positive.

I am writing this merely for the purpose of correcting the statement made by one of the members of the Senate, who was under the impression that the change of date was made in the Governor's office.

Very truly,
J. T. BOWMAN,
Secretary to the Governor.

BILLS AND RESOLUTIONS.

By Senators Terrell, Nugent, Bailey, Darwin and Collins:

Senate bill No. 42, A bill to be entitled "An Act conferring certain additional powers and authority upon State banks and trust companies, chartered and operating under the General Laws of the State; authorizing such institutions to create and maintain land loan departments, and regulating the manner, method and operation of said departments; authorizing such institutions to issue bonds in connection with and as a part of said land loan department; prescribing the method of securing such bond issues, and the rules and regulations governing the same; and providing that certain investments authorized to be made under the laws of the State may be made in said bonds so issued; prescribing cer-